

Nevada Division of Environmental Protection

**AUTHORIZATION TO DISCHARGE**

In compliance with the provisions of the U. S. Clean Water Act as amended (33 U.S.C. et seq; the "Act"), and Chapter 445A of the Nevada Revised Statutes,

Caesars Palace Hotel and Casino  
3750 Las Vegas Boulevard South  
Las Vegas NV 89109

is authorized to discharge from a facility located at:

Caesars Palace Hotel and Casino  
3750 Las Vegas Boulevard South  
(NW corner of Las Vegas Blvd & Flamingo Rd)  
Las Vegas  
Clark County  
Latitude 36° 06" 58" N  
Longitude 115° 10' 04" W  
Township 21 S - Range 61 E - Section 17

to receiving waters named:

Las Vegas Wash via the Clark County storm drain system

in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on: June 11, 2002.

This permit and the authorization to discharge shall expire at midnight June 10, 2007.

Modified: **MONTH XX, 2004**

Signed this **XXxx** day of **Month**, 2004.

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Robert J. Saunders  
Staff Engineer  
Bureau of Water Pollution Control

## PART I

### I.A. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS

- I.A.1. During the period beginning on the effective date of this permit and lasting until the permit expires, the Permittee is authorized to discharge groundwater that has been treated by filtration for removal of sediment and by carbon adsorption for removal of organic contaminants to Las Vegas Wash via Flamingo Wash and the Clark County storm drain system, from the following two outfalls:

Outfall 001: discharge point from dewatering and treatment system serving the parking garage

Outfall 002: discharge point from dewatering and treatment system serving Forum Shops

The discharge shall be limited and monitored by the Permittee as specified below.

Table I.A.1

Parameter	Discharge Limitations		Monitoring Requirements		
	30 Day Average	Daily Maximum	Sample Location <sup>(1) (2)</sup>	Measurement Frequency	Sample Type
Flow 001, MGD	0.288	-	001	continuous	flow meter
Flow 002, MGD	0.144	-	002	continuous	flow meter
TDS <sup>(3)</sup> , mg/l	-	m & r	001 & 002	monthly	discrete
TIN <sup>(4)</sup> , mg/l	-	20	001 & 002	monthly	discrete
Total Phosphorus, mg/l	-	m & r	001 & 002	monthly	discrete
TPH <sup>(5)</sup> , mg/l	-	1	001 & 002	monthly	discrete
PCE <sup>(6)</sup> , µg/l	-	5	001 & 002	monthly	discrete
Volatile Organics <sup>(7)</sup>	-	m & r	influent <sup>(8)</sup>	annual	discrete
pH, standard units	-	6.5 to 9.0	001 & 002	monthly	discrete

m & r = monitor and report

- (1) 001 = Outfall 001. Samples shall be collected from the existing sample port until the three month anniversary of the effective date of this permit, at which point they shall be collected from the new sample port to be installed between the primary and secondary carbon canisters. See Part I.A.17.c. Flow shall be measured following the secondary canister.
- (2) 002 = Outfall 002. Samples shall be collected from the intermediate sample port between the two parallel primary canisters and the single secondary canister. Flow shall be measured after the secondary canister.
- (3) Total Dissolved Solids
- (4) Total Inorganic Nitrogen
- (5) Total Petroleum Hydrocarbons by EPA Method 8260
- (6) PCE = perchloroethylene = tetrachloroethylene
- (7) EPA Method 8260, report all parameters. Report results in fourth quarter report.
- (8) Influent to each treatment system

- I.A.2. **Breakthrough on Carbon Canisters** Fresh carbon shall be placed in all canisters when breakthrough or non-compliance is detected at the intermediate sample ports monitored pursuant to Table I.A.1. above. Alternate carbon replacement procedures may be approved by the Division.
- I.A.3. **Narrative Standards:** (NAC 445A.121) Discharges shall not cause the following standards to be violated in any surface waters of the State. Waters must be free from:
- a. substances that will settle to form sludge or bottom deposits in amounts sufficient to be unsightly, putrescent or odorous;
  - b. floating debris, oil, grease, scum, and other floating materials in amounts sufficient to be unsightly;
  - c. materials in amounts sufficient to produce taste or odor in the water or detectable off-flavor in the flesh of fish or in amounts sufficient to change the existing color, turbidity or other conditions in the receiving stream to such a degree as to create a public nuisance;
  - d. high temperature, biocides, organisms pathogenic to human beings, toxic, corrosive or other deleterious substances at levels or combinations sufficient to be toxic to human, animal, plant or aquatic life;
  - e. radioactive materials must not result in accumulations of radioactivity in plants or animals that result in a hazard to humans or harm to aquatic life;
  - f. untreated or uncontrolled wastes or effluents that are reasonably amenable to treatment or control;
  - g. substances or conditions which interfere with the beneficial use of the receiving waters.
  - h. The narrative standards are not considered violated when the natural conditions of the receiving water are outside the established limits, including periods of high or low flow. Where effluents are discharged to such waters, the discharges are not considered a contributor to substandard conditions provided maximum treatment in compliance with permit requirements is maintained.
- I.A.4. There shall be no objectionable odors caused from the discharge of the treated groundwater into the Clark County storm drain system.
- I.A.5. There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada.

- I.A.6. There shall be no discharges from the facility except as authorized by this permit.
- I.A.7. The groundwater dewatering and treatment system shall be posted and fenced to restrict access of non-authorized personnel.
- I.A.8. The dewatering system shall be hard-piped into the storm drain outfall following treatment.
- I.A.9. The dewatering and treatment system shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to the start of construction. All changes to the approved plans must be approved by the Division.
- I.A.10. The dewatering and treatment system shall be operated in accordance with the Operations and Maintenance (O&M) Manual, which must be approved by the Administrator. The O&M Manual shall be updated whenever there is a change in the operation of the facility.
- I.A.11. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- I.A.12. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1, 2004 and every year thereafter until the permit is terminated.
- I.A.13. The Discharge Monitoring Reports (DMRs) must be signed by the facility's highest-ranking officer. The first DMR submitted under this permit must include the written designation of the officer (required by Part III.A.2) as the authorized representative to sign the DMRs. If the officer in responsible charge changes, a new designation letter must be submitted.
- I.A.14. All solid, toxic, or hazardous waste shall be properly handled and disposed of pursuant to applicable laws and regulations. Any sludge generated during this operation shall be characterized and disposed of in accordance with local, State, and Federal regulations.
- I.A.15. The Permittee shall implement Best Management Practices (BMPs) at the facility in the form of good housekeeping practices for construction and dewatering activities occurring in the vicinity of the dewatering and treatment system and the discharge point into the storm drain system.
- I.A.16. The Permittee shall maintain on-site at the facility an operations logbook for the dewatering and treatment system including, but not limited to: start-ups, shut-downs, carbon replacement, sampling dates and times, name(s) of personnel performing system maintenance and inspection; and maintenance procedures performed.

**I.A.17. Schedule of Compliance:**

The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications, which the Administrator may make in approving the schedule of compliance. All compliance deliverables shall be submitted to the attention of the Compliance Coordinator.

- a. The Permittee shall achieve compliance with the effluent limitations upon the issuance date of the permit.
- b. The Permittee shall submit a report in accordance with permit condition I.B.1.c., within fourteen (14) days of a compliance date detailing compliance or noncompliance with that date.
- c. The Permittee shall submit a revised O & M manual and process flow diagram for the Outfall 001 treatment system (serving the parking garage dewatering system) to accommodate a new sample port to be installed between the primary and secondary carbon canisters by the two month anniversary of the effective date of this permit. The new sample port shall be in use by the three month anniversary of the effective date of this permit. The manual shall be submitted to:

Nadir Sous  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
1771 E Flamingo Rd Ste 121A  
Las Vegas NV 89119

**I.B. MONITORING AND REPORTING**

**I.B.1. Reporting**

- a. **Quarterly Reports:** Monitoring results obtained pursuant to Section I.A of the permit for the previous three (3) month period shall be summarized for each month and reported on a Discharge Monitoring Report (DMR) form and in an electronic format compatible with Microsoft Office software (version 97 or later). The DMR is to be received in this office no later than the 28th day of the month following the completed reporting period. The first report is due on **July 28th, 2002**. Laboratory results for analyses conducted by outside laboratories must accompany the DMR.
- b. **Annual Reports:** The fourth quarter report shall contain plots of discharge flow rate and concentration (y-axis) versus date (x-axis) for flow, total dissolved solids, total inorganic nitrogen, and total phosphorus. The plots shall include data from the preceding five years, if available. Any data point

from the current year that is greater than the limits in Parts I.A.1 must be explained by a narrative.

- c. **Compliance Reports:** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- d. **Other Information:** Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Administrator, it shall promptly submit such facts or information.
- e. **Planned changes:** The Permittee shall give notice to the Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition to a permitted facility;
  - i. may meet one of the criteria for determining whether a facility is a new source (40 CFR 122.29(b)); or
  - ii. could significantly change the nature or increase the quantity of pollutants discharged; or
  - iii. results in a significant change to the Permittee's sludge management practice or disposal sites.
- f. **Anticipated non-compliance:** The Permittee shall give advance notice to the Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- g. An original signed copy of these, and all other reports required herein, shall be submitted to the State of Nevada at the following address:

Diana Silsby, Compliance Coordinator  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
333 W Nye Lane  
Carson City NV 89706-0851
- h. A signed copy of all Discharge Monitoring Reports and any other reports shall be submitted to the EPA Regional Administrator at the following address:

NPDES DMR WTR-7-1  
U. S. Environmental Protection Agency Region IX  
75 Hawthorne St  
San Francisco CA 94105

I.B.2. **Monitoring**

- a. **Representative Samples:** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
- b. **Test Procedures:** Monitoring for the analysis of pollutants shall be conducted according to test procedures approved under 40 CFR 136 published pursuant to Section 304(h) of the Act, or SW-846, or in the case of sludge disposal, approved under 40 CFR 503, or other procedures as approved by the Administrator in the permit. Analysis shall be performed by a State of Nevada certified laboratory.
- c. **Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:
  - i. the exact place, date, and time of sampling;
  - ii. the dates the analyses were performed;
  - iii. the person(s) who performed the analyses;
  - iv. the analytical techniques or methods used; and
  - v. the results of all required analyses.
- d. **Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated on the DMR.
- e. **Records Retention:** All records and information resulting from the monitoring activities, permit application, reporting required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if required by the Administrator. Records of monitoring information required by this permit related to the Permittee's sewage sludge use and/or disposal activities shall be retained for a period of at least 5 years or longer as required by 40 CFR 503.
- f. **Detection Limits:** All laboratory analysis conducted in accordance with this discharge permit must meet the following criteria:
  - i. The most sensitive analytical method specified or approved in either 40 CFR 136 or SW-846 shall be used which is required or approved by the Nevada state laboratory certification program; and
  - ii. Each parameter shall have detection at or below the permit limits or the method detection limit as defined in the analytical method; or
  - iii. The Permittee is considered in compliance if the reported results are less than the established permit limit.

- g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Administrator, may for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.

### I.B.3. **Definitions**

- a. The "30-day average discharge" means the total discharge during a month divided by the number of samples in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of samples during the period when the measurements were made.
- b. The "daily maximum" is the highest measurement during the monitoring period.
- c. The "30-day average concentration", other than for fecal coliform bacteria, means the arithmetic mean of measurements made during a month. The "30-day average concentration" for fecal coliform bacteria means the geometric mean of measurements made during a month. The geometric mean is the " $n^{\text{th}}$ " root of the product of " $n$ " numbers. Geometric mean calculations where there are non-detect results for fecal coliform shall use one-half the detection limit as the value for the non-detect results.
- d. A "discrete" sample means any individual sample collected in less than 15 minutes.
- e. For flow-rate measurements a "composite" sample means the arithmetic mean of no fewer than six individual measurements taken at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter.

For other than flow-rate a "composite" sample means a combination of no fewer than six individual flow-weighted samples obtained at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter. Flow-weighted sample means that the volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling.

## **PART II**

### II.A. **MANAGEMENT REQUIREMENTS**

- II.A.1. **Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, or treatment modifications which will result in new, different, or



increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with Nevada Administrative Code (NAC) 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

- II.A.2. **Facilities Operation - Proper Operation and Maintenance:** The Permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems or pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures.
- II.A.3. **Adverse Impact - Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize releases to the environment resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.
- II.A.4. **Non-compliance, Unauthorized Discharge, Bypassing and Upset**
- a. Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit is probable, the Permittee shall notify the Administrator immediately.
  - b. The Permittee shall notify the Administrator within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow or release of treated or untreated discharge than that which is authorized by the permit. A written report shall be submitted to the Administrator within five (5) days of diversion, bypass, spill, overflow, upset or discharge, detailing the entire incident including:
    - i. time and date of discharge;
    - ii. exact location and estimated amount of discharge;
    - iii. flow path and any bodies of water which the discharge reached;
    - iv. the specific cause of the discharge; and
    - v. the preventive and/or corrective actions taken.
  - c. The following shall be included as information which must be reported within 24 hours:

- i. any unanticipated bypass which exceeds any effluent limitation in the permit;
  - ii. any upset which exceeds any effluent limitation in the permit;
  - iii. violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.b. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.b.
- e. **Bypass:** "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
  - i. **Bypass not exceeding limitations:** The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs a and b of this section.
  - ii. **Anticipated bypass:** If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of bypass.
- f. **Prohibition of Bypass:** Bypass is prohibited, and the Administrator may take enforcement action against a Permittee for bypass, unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - iii. The Permittee submitted notices as required under paragraph e of this section.
- g. The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the three conditions listed in paragraph f of this section.
- h. **Upset:** "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- i. **Effect of an upset:** An upset constitutes an affirmative defense to an action brought for non-compliance with such technology-based permit effluent limitations if the requirements of paragraph (j) of this section are met.
  - j. **Conditions necessary for a demonstration of an upset:** A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - i. An upset occurred and that the Permittee can identify the cause(s) of the upset;
    - ii. The permitted facility was at the time being properly operated; and
    - iii. The Permittee submitted notice of the upset as required under paragraph (c) of this section; and
    - iv. The Permittee complied with any remedial measures required under II.A.3.
  - k. In selecting the appropriate enforcement option, the Administrator shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.
- II.A.5. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.
- II.A.6. **Safeguards to Electric Power Failure:** In order to maintain compliance with the effluent limitations and prohibitions of this permit the Permittee shall either:
- a. provide at the time of discharge an alternative power source sufficient to operate the wastewater control facilities;
  - b. halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
- II.B. **RESPONSIBILITIES**
- II.B.1. **Right of Entry and Inspection:** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:
- a. enter at reasonable times upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
  - b. have access to and copy any records required to be kept under the terms and conditions of this permit;

- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit;
  - d. perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.
- II.B.2. **Transfer of Ownership or Control:** In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. The Administrator may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. All transfer of permits shall be approved by the Administrator.
- II.B.3. **Availability of Reports:** Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.
- II.B.4. **Furnishing False Information and Tampering with Monitoring Devices:** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.
- II.B.5. **Penalty for Violation of Permit Conditions:** Nevada Revised Statutes NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.
- II.B.6. **Permit Modification, Suspension, or Revocation:**
  - a. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
    - i. violation of any terms or conditions of this permit; or
    - ii. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

- iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
  - iv. a determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
  - v. there are material and substantial alterations or additions to the permitted facility or activity; or
  - vi. the Administrator has received new information; or
  - vii. the standards or regulations have changed; or
  - viii. the Administrator has received notification that the permit will be transferred.
- b. **Minor Modifications:** With the consent of the Permittee and without public notice, the Administrator may make minor modifications in a permit to:
- i. correct typographical errors
  - ii. clarify permit language
  - iii. require more frequent monitoring or reporting
  - iv. change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with attainment of the final compliance date;
  - v. allow for change in ownership; change the construction schedule for a new discharger provided that all equipment is installed and operational prior to discharge
  - vi. delete an outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- II.B.7. **Toxic Pollutants:** Notwithstanding Part II.B.6. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- II.B.8. **Liability:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.
- II.B.9. **Property Rights:** The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- II.B.10. **Severability:** The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any

circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

- II.B.11. **Duty to Comply:** The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination; revocation and reissuance, or modification; or denial of a permit renewal application.
- II.B.12. **Need to Halt or Reduce Activity Not a Defense:** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.
- II.B.13. **Duty to Provide Information:** The Permittee shall furnish to the Administrator, within a reasonable time, any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this Permit.

## **PART III**

### **III.A. OTHER REQUIREMENTS**

- III.A.1. **Reapplication:** If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. POTWs with NPDES permits shall submit the sludge information listed at 40 CFR 501.15(a)(2) with the renewal application. The renewal application shall be accompanied by the fee required by NAC 445A.232.

### **III.A.2. Signatures, certification required on application and reporting forms**

- a. All applications, reports, or information submitted to the Administrator shall be signed and certified by making the following certification.

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- b. All applications, reports or other information submitted to the Administrator shall be signed by one of the following:

- i. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates; or
    - ii. A general partner of the partnership; or
    - iii. The proprietor of the sole proprietorship; or
    - iv. A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
  - c. **Changes to Authorization:** If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.
- III.A.3. **Flow Rate Notification:** The Permittee shall notify the Division, by letter, not later than ninety (90) days after the 30-day average daily influent flow rate first equals or exceeds 85% of the design treatment capacity of the Permittee's facility given in Part I.A. above. The letter shall include:
- a. The 30-day average daily influent flow rate;
  - b. The maximum 24-hour flow rate during the 30-day period reported above and the date the maximum flow occurred;
  - c. The Permittee's estimate of when the 30-day average influent flow rate will equal or exceed the design treatment capacity of the Permittee's facility; and
  - d. A status report on the treatment works which will outline but not be limited to past performance, remaining capacity of the limiting treatment and disposal units or sites, past operational problems and improvements instituted, modifications to the treatment works which are needed to attain the permitted flow rate due to changing site specific conditions or design criteria; and
  - e. The Permittee's schedule of compliance to provide additional treatment capacity before the 30-day average daily influent flow rate equals the present design treatment capacity of the Permittee's facility.
- III.A.4. **Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers** [40 CFR 122.42(a)]: In addition to the reporting requirements under 40 CFR 122.41(l), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Administrator as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - i. one hundred micrograms per liter (100 µg/l);
  - ii. two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - iii. five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - iv. the level established by the Administrator in accordance with 40 CFR 122.44(f).
  
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - i. five hundred micrograms per liter (500 µg/l);
  - ii. One milligram per liter (1 mg/l) for antimony;
  - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7);
  - iv. The level established by the Administrator in accordance with 40 CFR 122.44(f).